

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

Robert N. Trgovich, Clerk

www.innd.uscourts.gov

June 25, 2014

NOTICE

TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE NORTHERN DISTRICT OF INDIANA

Pursuant to 28 U.S.C. § 2071 and Rule 83 of the *Federal Rules of Civil Procedure*, the United States District Court for the Northern District of Indiana gives public notice of the following:

The Local Rules Advisory Committee has recommended, and the District Court has authorized release for a period of public comment, the revision of Local Rule 83-6.11 of the United States District Court for the Northern District of Indiana effective August 1, 2014.

The proposed amendment is as follows:

Local Rule 83-6.11 Reinstatement will be amended as follows:

N.D. Ind. L.R. 83-6.11 Reinstatement

(a) Court Order Required. A suspended or disbarred attorney must not resume practice until reinstated by court order.

(b) Reinstatement by Affidavit.

(1) *When Permitted.* The chief judge may—without a vote of the court’s judges—reinstate a suspended attorney after receiving an affidavit of compliance if the suspension was:

(A) for three months or less; or

(B) because the attorney had been suspended from a state bar for failing to:

(i) pay bar dues on time; ~~or~~

(ii) comply with continuing-legal-education requirements; **or**

Reply to South Bend Office

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(iii) comply with IOLTA program requirements.

(2) *How Raised.* To be reinstated without a vote of the court, an attorney must file:

(A) an affidavit of compliance; and

(B) a certified copy of the judgment or order reinstating the attorney to the state bar, if applicable.

(c) Reinstatement by Petition and Court Vote.

(1) *Initiating the Process.* An attorney seeking reinstatement from disbarment or any suspension not described in subdivision (b)(1) must file:

(A) a petition with the court; and

(B) if the attorney was suspended or disbarred because another court disciplined the attorney, a certified copy of the other court's reinstatement order.

(2) *Chief Judge's Duties.* The chief judge must promptly:

(A) consider whether the petition and any supporting materials—including any findings and conclusions from another court's reinstatement order—establish the attorney's fitness to practice law; and

(B) based on the review of the petition and supporting materials, recommend a course of action to the other judges.

(3) *Action by Judges.* After the chief judge's review, the court's district judges—and bankruptcy judges, if the matter involved an attorney's conduct before the bankruptcy court—may by a majority vote:

(A) reinstate the attorney, if they find that the petition and supporting materials establish the attorney's fitness to practice law; or

(B) request additional evidence or a hearing before voting on the petition.

(4) *Hearing.*

(A) *Referral to Grievance Committee.* If the judges request a hearing,

the chief judge must promptly refer the petition to the grievance committee and the chairperson must promptly set a hearing.

- (B) *Attorney's Burden of Proof.*** At the hearing, the attorney must establish:

 - (i)** by clear and convincing evidence, that he or she has the moral qualifications, competency, and learning in the law required for admission to the court's bar; and
 - (ii)** that the attorney's reinstatement will not harm the bar's integrity and standing, the administration of justice, or the public interest.
- (C) *Post-Hearing Report.*** After the hearing, the committee must give the court a written report including its:

 - (i)** findings of fact about the petitioner's fitness to resume practicing law; and
 - (ii)** recommendations about whether to reinstate the attorney.
- (5) *Court's Decision.*** After considering the committee's report, the court's district judges—and bankruptcy judges, if the matter involved an attorney's conduct before the bankruptcy court—may by majority vote:

 - (A)** deny the petition, if they find that the attorney is unfit to resume practicing law;
 - (B)** reinstate the attorney unconditionally; or
 - (C)** reinstate the attorney conditioned on the attorney:

 - (i)** paying for all or part of the proceeding's cost;
 - (ii)** making restitution to parties harmed by the conduct that led to the discipline;
 - (iii)** providing certification from any jurisdiction's bar examiners that the attorney has successfully completed an admission examination after the suspension or disbarment took effect;
 - (iv)** otherwise proving competency and learning in the law (if the suspension or disbarment was for five or more years); or
 - (v)** meeting any other terms the judges deem appropriate.

(d) Timing of Petition.

- (1) *After Disbarment.*** A disbarred attorney may not file a reinstatement petition until five years after disbarment.
- (2) *After Previous Unsuccessful Petition.*** An attorney who has previously filed a reinstatement petition that was denied may not file another reinstatement petition on the same matter until one year after the denial.

(e) ~~Depositing Costs of Proceeding.~~ Fee. Reinstatement petitions **Any request for reinstatement, whether by affidavit or petition,** must be accompanied by a ~~deposit~~ **fee** in an amount equal to the filing fee for miscellaneous cases.

- (3) *Entry on Court's Records.*** The attorney's admission will be entered on the court's records and the court will issue a certificate to that effect only after the applicant:

(A) takes a prescribed oath or affirmation;

(B) certifies that he or she has read and will abide by:

(i) the *Seventh Circuit Standards of Professional Conduct*; and

(ii) the court's local rules;

(C) pays the required fees (law clerks to the court's judges are exempt from these fees);

(D) ~~signs the roll of attorneys;~~

———~~(E)~~ registers for electronic case filing;

———~~(F)~~ **(E)** gives a current address; and

———~~(G)~~ **(F)** agrees to notify the clerk promptly of any change in address.

Comments concerning the proposed rule amendments are welcome. Comments must be submitted on or before July 25, 2014, either on the court's website or in writing and should be sent to:

Local Rules Comments
Office of the Clerk
204 South Main Street
Room 304
South Bend, Indiana 46601